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DEPARTMENT OF STATE A/CDG/MR
REVIEWED BY _____ DATE 21 MAY 1992
RDS☐or XDS☐EXT. DATE
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DELIVER MEADOWS 0800 THURSDAY

1. Dept concerned over trend in past few days indicating we may end up with Agreement which leaves out several standard provisions in most if not all of our air transport agreements. We have reference in particular to customs and airport charges articles.

2. Re customs article, we recognize that, as practical matter, Italians are not going to exempt ground equipment, even if it listed in article. We prepared drop mention of ground equipment in article, but do not want delete whole article. As stated in telcon, US cannot accept MFN due domestic statute which permits exemptions only on basis reciprocity. We do not understand why Italdel now asking for MFN. They previously tabled version of article which makes no mention MFN (Ital Doc 10, Dec. 18, 1968, Exhibit E-13 handbook). USDEL may wish consider returning to

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E/AN - MHStyles	5/20/70	21232	E/TT - FELoy

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4-68

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original US formulation which speaks of granting exemptions "to fullest extent possible under its national laws". (To this could be added "andbenibasis reciprocity"). It seems to us this fully protects both sides.

3. Re airport charges, we prefer unqualified Article 7. Second preference is for Article 7 plus language in memcon which avoids legal problem mentioned State 76446. If USDEL can develop such new language, please refer it to us by cable or phone for consideration. If not, our last preference is to delete Article 7 but include in memcon statement by Italdel that Italy will use its best efforts to accord national treatment on airport charges asap (i.e. to comply with Article 15 of Chicago Convention.)

4. Legal opinion has been expressed that language in memcon dealing with consultations on addition new points should either be deleted from memcon or incorporated in footnote to route schedule. As USDEL aware, we consider it important to retain parallelism on treatment of multiple designation

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and new points. Accordingly, USDEL should press for additional sentence to footnotes [redacted] of both US and Italian route schedules to read as follows: "The consultations referred to will be carried out in good faith to determine appropriate compensation, if any, and the consultations will not be deemed to be concluded and services will not commence until agreement is reached." USDEL might explain this change in where language appears on grounds that it desirable for all language on new points to appear in one place and all language on multiple designation to appear in one place. Same language, recast in terms delegation understanding, would be retained in memcon as it relates to multiple designation. If Italdel will not accept language on new points in footnote (including references to both "good faith" and meaning of "conclude"), USDEL should cable or phone for reconsideration.

XXX

(continued)

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5. If USDEL wishes discuss foregoing or any other matters prior meeting Italdel, it should phone Loy at home (337-5119) if call to be placed prior 0900 Washington time; Styles between 0900-1030; and Loy thereafter.

END

ROGERS

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